

In the Court of Appeals of the State of Alaska

State of Alaska,

Petitioner,

v.

Aaron M. Johnson,

Respondent.

Court of Appeals No. **A-13492**

Order

Motion for Extension of Time to File
Response to Petition and Motion to
Withdrawal as Counsel

Date of Order: **9/17/2019**

Trial Court Case No. **4FA-18-02557CR**

The State has filed a petition asking this Court to review the district court's order granting a motion to suppress evidence. The Respondent, Aaron M. Johnson, is currently represented by a privately retained attorney, Kenneth L. Covell. Rather than respond to the State's petition, Mr. Covell has instead filed a motion asking this Court to allow him to withdraw as counsel of record from this petition for review. Mr. Covell explains that he has not been retained to represent Mr. Johnson in this petition, and that Mr. Johnson is currently indigent. Mr. Covell has also requested a 60-day extension to file Mr. Johnson's response.

Accordingly, **IT IS ORDERED:**

1. This case is remanded to the district court for a hearing to determine if Mr. Johnson is eligible for the assistance of counsel at public expense.
2. If the district court finds that Mr. Johnson is eligible for the assistance of counsel at public expense, the district court shall make an appropriate appointment and shall direct the new attorney to promptly file an entry of appearance in this Court.

3. If the district court concludes that Mr. Johnson is not eligible for the appointment of counsel at public expense, the district court shall notify this Court of this finding.

4. The district court's report on these matters shall be provided to this Court on or before **October 18, 2019**. This deadline can be extended by the district court for good cause conditioned upon a status report to this Court. Upon this Court's reception of this report, Mr. Covell will be allowed to withdraw as Mr. Johnson's counsel of record.

5. The motion for a 60-day extension of time is **DENIED**, but the current response due date is **VACATED**. The Clerk's Office will issue Notice of the new due date upon reception of the district court's report.

6. This order is entered prior to the due date for an opposition. If a timely opposition is filed, a judge will review the matter *de novo*. App. R. 503(d).

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts

Sarah Anderson, Deputy Clerk

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